"Approved by the City Council/Redevelopment Agency Board on November 16, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA MINUTES OF THE REGULAR MEETING

October 12, 2005

The City Council/Agency Board of the City of Westminster, California convened on October 12, 2005 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

## 6:00 P.M. **CLOSED SESSION**

### **CALL TO ORDER:**

ROLL CALL

PRESENT:

RICE, FRY, MARSH, QUACH

ABSENT:

**PARIS** 

#### **CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- Conference with Legal Counsel pursuant to Government Code Section 1) 54956.9(b): Anticipated Litigation (one potential case): The Asian American Senior Citizens' Association; and
- Conference with Legal Counsel pursuant to Government Code Section 2) 54956.9(b): Anticipated Litigation (one potential case) re. Shinn.

RECESS: At 6:55 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

#### 7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:15 p.m. in the Council Chambers.

### **ROLL CALL:**

PRESENT:

RICE, PARIS (Participated via teleconferencing at 9:17 p.m.), FRY,

MARSH, QUACH

ABSENT:

NONE

SALUTE TO FLAG:

Council Member Fry

INVOCATION:

Council Member Quach

#### REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of the Closed Session.

#### **SPECIAL PRESENTATIONS:**

- A. The Mayor and Council Members presented a Proclamation declaring October 9-15, 2005 as Fire Prevention Week to Battalion Chief Mike Rohde from the Orange County Fire Authority.
- 1. CONSENT CALENDAR

## **APPROVAL OF MINUTES**

1.1 Minutes of the Special/Adjourned Regular Meeting of the City Council/Redevelopment Agency of September 13, 2005; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 14, 2005; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of September 19, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 28, 2005

### **ROUTINE MATTERS**

1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.

ACTION: Approved.

1.3 Proclamation declaring October 3-7, 2005 as "Lawsuit Abuse Awareness Week" in the City of Westminster. (115-00)

ACTION: Approved.

1.4 Proclamation declaring October, 2005 as "Lupus Awareness Month" in the City of Westminster. (115-00)

ACTION: Approved.

1.5 Notice of Completion for work performed by Vance & Associates Roofing, Inc., for the Removal/Abatement and Replacement of Roof, including Tile Repair, at the Community Services Building (502-22)

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file the Notice of Completion with the County Recorder's Office.

## (ITEM REMOVED AND HEARD SEPARATELY)

1.6 Amendment No. 1 to Agreement for Westminster Rose Center Project No. 11202-964001 – Bid Package No. 24 – Electrical (502-19)

Council Member Marsh asked for an explanation about the purchase of an elevator for the Westminster Rose Center. The Public Works Director/City Engineer said that the original bid was over the estimate and that staff recommended rejection of the bid. He said that the sub-contractor, Mitsubishi, offered the elevator for \$80,000 if it was purchased directly from them, in addition to materials needed for installation and insurance, which comes to approximately \$95,000.

Council Member Marsh asked the Public Works Director/City Engineer what was the engineer's estimate, to which he answered, \$55,000, and that the reason for the lower estimate was the increase in prices from the time of the estimate to now, which was more than a year ago.

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to approve Amendment No. 1 to the agreement with Snowden Electric Company, Inc., to supply and install an elevator for the Westminster Rose Center in the amount of \$95,320.00, and authorize the City Manager to execute the amendment on behalf of the City. The motion was carried by a 4-0 vote with Mayor Pro Tem Paris absent.

1.7 Award of Contract for Median Island Improvements on Westminster Boulevard from Edwards Street to Beach Boulevard (502-07)

ACTION: The Mayor and City Council approved a contract with GMC Engineering Inc., in the amount of \$2,274,354.75, and authorized the City Manager to execute the contract on behalf of the City.

## (ITEM REMOVED AND HEARD SEPARATELY)

1.8 Selection of Consultant for Design Services of Raised Landscaped Medians along Westminster Boulevard from Newland to Magnolia (502-14)

Council Member Marsh asked why the consultant was recommended without going out to bid. The Public Works Director/City Engineer stated that a bid was not required because it is for professional services, which can be achieved with a Request for Proposal (RFP).

Council Member Quach asked the City Attorney if it was true that this service was exempt from the bidding process, to which the City Attorney stated that it was exempt.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the selection of Norris-Repke to perform the subject work in the amount of \$43,750.00 and authorize the City Manager to execute the agreement on behalf of the City. The motion was carried by a 4-0 vote.

## (ITEM REMOVED AND HEARD SEPARATELY)

# 1.9 Award of Contract for Westminster Rose Center Bid Package No. 17 – Specialties (502-09)

Council Member Marsh requested an explanation for the bid amount. The Public Works Director/City Engineer said that the original engineer's estimate was lower than the first bid that came in, so the first bid was rejected. Some items were value engineered and some were removed from the package. The amount now will only continue to go up the longer it is not accepted. He noted that this is still within budget.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve a contract with Inland Building Companies in the amount of \$321,600 for Bid Package No. 17, Specialties, and authorize the City Manager to execute the contract on behalf of the City. The motion was carried by a 4-0 vote.

## (ITEM REMOVED AND HEARD SEPARATELY)

# 1.10 Settlement Agreement with Huntington Beach Police Officers Association (502-08)

Darrell Nolta, resident of Westminster, questioned whether or not the City of Westminster was truly liable to pay the settlement.

Council Member Marsh stated that this was a reasonable settlement amount, however, he did not support it due to the City being liable, but supported it because it is reasonable.

Council Member Fry said that the City used the firing range quite a bit, and agreed with Council Member Marsh that the settlement amount was very reasonable.

**Motion was made by Council Member Marsh,** and seconded by Council Member Quach, to authorize payment of \$8,500 from the City's Liability Claims Account (Account No. 750-14335-45002) to the City of Huntington Beach for the settlement pertaining to the Huntington Beach Firing Range. The motion was carried by a 4-0 vote.

# 1.11 Purchase Order to Electronic Risk Consultants (ERC) for FY 2005-06 (106-00)

ACTION: The Mayor and City Council approved issuance of a purchase order in the amount of \$29,676.79 to ERC to underwrite maintenance of electronic equipment located throughout the City.

1.12 Amendment to the Employment Agreement for the City Manager (502-19)

ACTION: The Mayor and City Council approved the amendment to the employment agreement with Vangie Schock, City Manager.

## ORDINANCES (SECOND READING)/RESOLUTIONS

1.13 Resolution No. 3944 – A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-27 (Tentative Parcel Map, Site Plan Review and Design Review) a request to allow the construction of three residential condominium units

ACTION: The Mayor and City Council adopted Resolution No. 3944 and waived further reading.

## (ITEM REMOVED AND HEARD SEPARATELY)

1.14 Resolution No. 3945 – A Resolution of the Mayor and City Council of the City of Westminster authorizing examination of sales and use tax records (502-08)

It was the consensus of the Council to defer Item 1.14 to the next Council meeting at the request of the Finance Director.

Council Member Marsh recommended that the City Attorney and whatever staff member is responsible for enforcement activity, be added to the list for review.

## **WARRANT REGISTER**

1.15 (City Council/Redevelopment Agency) Warrant Register dated September 7 through October 4, 2005 (105-09)

ACTION: Approved.

## **INFORMATION AND REPORTS**

1.16 Minutes of the Planning Commission meeting dated August 10, 2005, August 17, 2005, and September 7, 2005 (104-11)

ACTION: Received and filed.

1.17 Community Development Monthly Report – August 2005 (216-01)

ACTION: Received and filed.

1.18 Treasurer's Report – July and August 2005 (105-08)

ACTION: Received and filed.

1.19 Minutes of the Traffic Commission meeting dated September 6, 2005 (104-12)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Fry, to approve the Consent Calendar, with the exception of Item Nos. 1.6, 1.8, 1.9, 1.10 and 1.14 which were removed for separate consideration. The motion was carried by a 4-0-1 vote, with Mayor Pro Tem Paris/Agency Vice Chair Paris absent.

Council/Agency Member Quach said he forgot to remove Item 1.13 so he could recuse himself from voting on it due to a possible conflict. He asked if he could withdraw his vote from the motion to approve the Consent Calendar, only to Item 1.13.

Motion was made by Council/Agency Member Marsh, and seconded by Council/Agency Member Fry, to reconsider the motion to approve Item 1.13 on the Consent Calendar. The motion was carried by a 4-0 vote, with Mayor Pro Tem Paris/Agency Vice Chair Paris absent.

Motion was made by Council/Agency Member Marsh, and seconded by Council/Agency Member Fry, to approve Item 1.13 on the Consent Calendar. The motion was carried by a 3-0-1 vote, with Mayor Pro Tem Paris/Agency Vice Chair Paris absent and Council/Agency Member Quach abstaining.

Council/Agency Member Quach returned to the dais.

#### **END OF CONSENT CALENDAR**

#### 2. ORAL COMMUNICATIONS

Diana Carey, resident and Chair of the Ad Hoc I-405 Committee, invited the residents to attend the OCTA Board meeting Friday at 9:00 a.m. for the final vote of their Board on the proposed I-405 expansion. She said the City will provide transportation for those who need it. OCTA's office is located at 600 S. Main Street in Orange.

Darrell Nolta, resident of Westminster, stated that at the Friday OCTA Board meeting he will oppose the taking of any property, even the few scheduled for Alternative No. 4. He said he opposed the Orange County Board of Supervisors' plan for permissive protective left turns.

Vivian Kirkpatrick-Pilger, resident of Westminster, asked if anyone is working on the water rate structure. Mayor Rice said she agreed that the water rate structure needs to be reviewed. Council Member Marsh requested that the Mayor establish an ad hoc committee for that purpose and he said he would be willing to sit on that committee. Mayor Rice requested that this item be placed on the agenda for the next Council meeting.

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

The Community Development Director reviewed the actions of the Planning Commission meeting of October 5, 2005:

- 1) 16390 Beach Boulevard (Case No. 2005-43), Variance, an application to attach two new building wall signs to the existing Marie Callender's Grill restaurant building, which will exceed the total number of building wall signs allowable by the Municipal Code.
- 2) 14531-41 Tilden Street (Case No. 2004-31), Variance, an application to construct a 392-square foot room addition to an existing residential duplex development, which will exceed the maximum lot coverage in the R2 district allowable by the Municipal Code.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to receive and file the report of the Planning Commission meeting of October 5, 2005. The motion was carried by a 4-0 vote.

Mayor Rice requested that Item No. 1 be pulled up for review by the Council because she said that she has had people come to her and complain that they could not have two signs, and yet Marie Callendars will have four signs if the variance is approved.

Council Member Marsh withdrew his motion to receive and file the report in order for Item No. 1 to be pulled up for review, and he recommended to receive and file Item No. 2.

**Motion was made by Mayor Rice,** and seconded by Council Member Quach, to receive and file Item No. 2 of the report on the Planning Commission meeting of October 5, 2005. The motion was carried by a 4-0 vote.

### 4. PUBLIC HEARINGS

4.1 CASE NO. 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 7601 23<sup>RD</sup> STREET; APPLICANT: TIM HARRIS (201-00)

Time set for a public hearing to consider the construction of three residential condominiums on a 12,774-square foot lot. The required entitlements include a Zone Change, Tentative Parcel Map for condominium purposes, Site Plan Review to assess the proposed site layout, and Design Review to assess the design and overall appearance of the development.

The Community Development Director reviewed the proposed zone change, tentative parcel map, site plan and design review for the project. He noted that this would be a shared driveway with a neighbor, however, he said the owners agreed with the proposal.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Tim Harris, designer of the proposed project, spoke in support of approving the project.

David Nguyen, representative of the owner, asked for approval because it meets all of the design requirements.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SEEING NONE, THE MAYOR CLOSED THE PUBLIC HEARING.

Council Member Marsh asked what material would be used in the driveway, to which the Community Development Director responded that it will be concrete. Council Member Marsh asked if it would be in the private rather than the public right-of-way so that the City will not be liable. The Community Development Director responded, that was correct.

Council Member Marsh said he understood that the owner of the house next door who would have to share the driveway said there was no problem with that arrangement. The Development Director stated that was his understanding.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to approve the recommendation of the Planning Commission and:

- 1) Adopt Resolution No. 3946 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting Mitigated Negative Declaration MND 05-02 and approving Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, Design Review) to allow the construction of three residential condominiums on a 12,774-square-foot lot located at 7601 23<sup>rd</sup> Street," and waive further reading; and
- 2) Introduce Ordinance No. 2390 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7601 23<sup>rd</sup> Street from M1 (Light Industrial) to R2 (Multiple Units, 08-12 units/acre)," and waive further reading.

Council Member Marsh suggested that an additional finding be added, making it clear to these owners in writing, that this is not the way the Council would recommend it, it is their decision, and telling them, don't come back to the City at a later date or to the Redevelopment Agency and request funds to install proper paving, gutters, sidewalks, etc., because those things will not be forthcoming. The maker and second of the motion agreed to the amendment to the motion.

AYES:

RICE, FRY, MARSH, QUACH

NOES: ABSENT: NONE PARIS

Jose Becerro, the owner of the property next door, said he wished to speak to this item.

**Motion was made by Council Member Marsh,** and seconded by Council Member Quach, to reopen the public hearing and take Jose Becerro's testimony. The motion was carried by a 4-0 vote.

MAYOR RICE REOPENED THE PUBLIC HEARING.

Jose Becerro, the owner of the property next door to the proposed project, stated that he did not agree to sharing his driveway, and he said he did not attend the Planning Commission hearing, but his wife attended it with a friend because he was out of the country. He stated he did not authorize anyone to speak for him.

Mrs. Becerro said she never gave permission to Edmond Murett, as stated in the staff report, to speak for the Becerra family and give permission to share their driveway.

Council Member Marsh said that he needs to see the dated, recorded driveway easement. The City Attorney said this was a private matter between the two property owners.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to continue the public hearing to the Council meeting of October 26, 2005, for the purpose of gathering more information. The motion was carried by a 4-0 vote.

4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-39 (VARIANCE); LOCATION: 6312 GARDEN GROVE BOULEVARD; APPLICANT: ROD WILSON (201-00)

Time set for a public hearing to consider the Planning Commission's decision to approve the modification of an existing sign variance, Area Variance AV-1013, which allowed a maximum sign area of 310 square feet and a maximum sign height of 60 feet. The required entitlement is a variance to allow a freestanding sign to exceed the maximum area and height allowed by code.

The Community Development Director reviewed the proposed sign modification request.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Rod Wilson from EMI and the applicant for Sunset Ford, spoke in support of the variance. He said that the new technology will be less expensive for Sunset Ford and he said that there will be a new computer controlling the new sign. He apologized to the neighbors because he recently discovered that the existing sign has been on past the agreed shut off time. He said this was due to a malfunction of the old computer and has been corrected.

Those also speaking in favor included:

John Muse, Engineer for EMI Anthony Caridi, new co-owner Darrell Nolta, resident of Westminster

Council Member Marsh asked Mr. Caridi if the advertising on the sign will be limited to advertising for Sunset Ford. Mr. Caridi said the only other use of the sign will be for public service announcement and "Amber Alerts", and he said he would agree to that restriction.

Mayor Pro Tem Paris made contact via teleconference at 9:05 p.m.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

The following persons spoke in opposition to the proposed sign:

Doris Hunter
Reginald Murdoch
Mary Roughton
Dan Schwab
Vicky Larson
Robert (neighbor next to the sign)

The reasons for opposition cited were: the existing sign stays on for 24 hours; the sign looks like it is advertising a cheap motel; the sign should not be increased in size; can the owner's word be trusted; will the City monitor the company's compliance with the conditions.

#### REBUTTAL:

Rod Wilson stated that the owner of Sunset Ford is committed to the success of his business and he will make sure that the sign is fixed.

John Muse spoke regarding the closest homes to the sign where the foot candle measurement is 0.11 with the new sign, while the existing sign measurement is 0.6.

Council Member Marsh said that the City is not limited to a choice between two options; and that if there are continuing violations by the existing sign, the City can shut down the sign permanently.

Darrell Nolta, resident of Westminster, said he only conditionally supported this item; he agreed that the existing sign needs to be monitored now and permission to use the sign can be withdrawn with any violation. He noted that it is confusing to state that you can actually get less illumination from a sign increased in size, and he is only in favor if that is the case.

Anthony Caridi stressed that with the new technology and the new computer, the sign will be dimmed at appropriate times and turned off according to the conditions. He stated that if there is still a problem with the existing sign he will tell Mr. Wilson at EMI to turn off the old sign until the new sign is installed.

#### THE MAYOR CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Paris stated that Mr. Caridi is a new owner of a business in Westminster and is putting up a new sign that is not offensive to the neighbors and he believes the conditions are adequate.

Council Member Fry said he agreed with the applicant that the new sign will be better than the old one because the light will be more subdued due to the fact that it is colored light.

Council Member Marsh suggested that the following changes be made to the conditions on page 4 of Resolution No. 3948: Condition No. 9, include the address of Sunset Ford (5440 Garden Grove Blvd.), rather than state "on site" which would technically be the site of the sign; and he would like to include "gambling" to the list of advertising items to be prohibited. He asked that the following phrase be added to Condition No. 6, so it will read: "The electronic message board shall operate only between the hours of 5 a.m. and 10 p.m., resulting in a total usage each week of a maximum of 139 hours. If this provision is violated, and the sign is found to be operating outside the permitted time period, the City will instruct the applicant to turn off the sign for three (3) hours during the remaining weekly permitted operating hours or during the next weekly permitted operating hours for the first offence and for nine (9) hours for the second offense and each offense thereafter."

Mayor Rice asked who people are to call if the light is still on after 10 p.m. The Community Development Director said to call the Police Department.

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to:

- 1) Uphold the Planning Commission's decision to approve Case No. 2005-39; and
- Adopt Resolution No. 3948 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-39 (Variance) by allowing a maximum sign face area of 511.2-square feet and maximum sign height of 60-feet, amending Area Variance AV-1013", and waive further reading.

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT: NONE

4.3 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-38 (HOME BUSINESS PERMIT); LOCATION: 5572 NORMA DRIVE; APPLICANT: HERBERT SATO (201-00)

Time set for a public hearing to consider the Planning Commission's decision to approve the operation of an administrative office for a travel agency at the residence located at 5572 Norma Drive in the R1(Single Family Residence) District. Review of a Home Business Permit application is required to assess the characteristics of the proposed business and its potential impacts on the surrounding neighborhood.

The Community Development Director said that the applicant wishes to operate a travel agency out of his home. He would not place his address on his ads for the business; it would all be conducted by phone and fax. His deliveries would be sent to a post office box and he would meet with clients at restaurants.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Herbert Sato, the applicant, spoke in favor of his application for a home travel business. He noted that he would have a minimum overhead and would not accept credit cards, only cash or check.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SEEING NO ONE WISHED TO SPEAK, THE MAYOR CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach,** and seconded by Mayor Pro Tem Paris, to:

- 1) Uphold the Planning Commission's decision to approve Case No. 2005-38; and
- 2) Adopt Resolution No. 3949 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-38 (Home Business Permit) to allow the operation of an administrative office for a travel agency at the residence located at 5572 Norma Drive in the R1 (Single Family Residence) District," and waive further reading.

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT: NONE

4.4 PUBLIC HEARING ON OBJECTIONS TO REMOVAL OF WEEDS AND DEBRIS - FALL 2005 (618-01)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Darrell Nolta, resident of Westminster, supported the removal of weeds in the City but commented that the City should also remove the weeds on City streets.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SEEING NONE, THE MAYOR CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 3947 entitled, "A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading.

The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

## 5.1 Council/Agency Member Items

Council Member Quach thanked a number of employees who have assisted him. He requested that Code Enforcement staff find out about the torn flag at the business across the street from City Hall. He said that the owner promised to replace it and to date, he has not done so yet.

Council Member Marsh thanked all those who participated in the promotion of Alternative No. 4 for the I-405 proposed expansion. He thanked those elected

officials who support Westminster, especially, Orange County Board of Supervisors Correa, Silva and Norby and Anaheim Mayor Curt Pringle, Gary Monihan of Costa Mesa, Mark Rosen of Garden Grove, Cathy Green of Huntington Beach, Carolyn Cavecche of the City of Orange and Art Brown of Buena Park. He also thanked the OCTA staff and he stressed the importance of attending Friday's OCTA Board meeting. He requested that retrieval of shopping carts needs to be revisited, along with campaign signage.

Mayor Rice thanked staff for the help that the employees give her all year long. She requested that the City Manager introduce the new employees.

The City Manager introduced the new Assistant to the City Manager, Tami Piscotty, and the new Economic Development Manager, Tom Welch, who both started working for the City on October 10<sup>th</sup>.

## **Urgency Item**

Mayor Rice requested that an urgency item be placed on the agenda regarding a donation of \$1,000 in CDBG funds to AA Care Clinic.

**Motion was made by Council Member Fry,** and seconded by Mayor Rice, to place an urgency item on the agenda – a donation of \$1,000 in CDBG funds to AA Care Clinic, because there is an urgent need for the new clinic to secure medical supplies and their distribution date is scheduled before the next Council meeting. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT: NONE

**Motion was made by Mayor Rice,** and seconded by Mayor Pro Tem Paris, to approve a donation of \$1,000 in CDBG funds to AA Care Clinic due to their urgent need to secure and distribute medical supplies. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

**NONE** 

Darrell Nolta, resident of Westminster, requested the address of the clinic. Council Member Quach stated it is on the southeast corner of Moran and Bolsa, in front of the tofu factory.

## **5.2 Discussion of Administrative Salaries** (Mayor Rice)

Mayor Rice said she would like the Administrative unit employees to change to the same type of step system that the other employee groups are on now. She understands that this will affect the appearance of the budgeting process. The Finance Director stated that the budget is now set up to reflect the top of the pay range for Administrative/Management/Confidential employees and yet many of the employees are not at their top range; this would appear different if that employee group was on a step program.

Council Member Quach said he would like to see a financial analysis before the Council votes on this item that would show the steps proposed, the cost savings, and the other cities that have a step program for their administrative staff.

The Finance Director said he will propose to include all of the requested information at a study session, yet to be scheduled, for the proposed budget cuts.

Council Member Marsh said he would like to see whether or not step systems exist in neighboring cities. He said he is interested in dollars saved and not dollars re-characterized.

Mayor Rice said she was concerned about fairness to the Management group because the Council does not negotiate with them the way they negotiate with the other employee groups. Mayor Pro Tem Paris stated that the step system is the only fair system.

The Finance Director said it would take longer to complete a salary survey, but quicker to complete a list of cities using a step system. There was no objection to giving direction to staff to complete a list of other cities that use step systems.

5.3 Explore options for establishment of a Sister City (Council Member Quach and Council Member Fry)

Council Member Quach and Council Member Fry asked staff to explore options for establishing a Sister City, including the cost for such a program. Council Member Marsh agreed and, further, he would like to know if a relationship with Westminster, England could be restored. There were no objections.

5.4 City concert to raise funds for the victims of Hurricane Katrina (Council Member Quach)

Council Member Quach stated that although he originally requested this item, several weeks have passed and now he would like to remove it from the agenda, as a lot of funds have already been raised.

Mayor Rice said that the Council was invited to Asian Gardens where they will be presenting a check to the American Red Cross. Council Member Marsh suggested that the WTV-3 crew videotape that event.

5.5 Review of Fee Waiver Requests for use of City facilities (Council Member Marsh)

Council Member Marsh said he would like to see a draft policy developed for fee waiver request for use of City facilities by non-profit organizations, taking reciprocity into mind. There were no objections.

### 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Acceptance of Traffic Safety Grant for DUI Enforcement from the State of California, Office of Traffic Safety (109-06)

The Police Chief stated that an application was submitted to the state for DUI enforcement and prevention and the City was awarded a grant for \$275,177.

Darrell Nolta, resident of Westminster, was glad that there was an award of funds from the state, however, he did not like it that the funds will be used for overtime.

**Motion was made by Council Member Fry,** and seconded by Mayor Pro Tem Paris, to:

- 1) Accept the Office of Traffic Safety (OTS) funds in the amount of \$275,177 awarded to the police department for enforcement of drunk driving related offenses and authorize the Chief of Police to complete the application process for the OTS 10/05 12/07 funding period; and
- Amend the fiscal year 2005-06 adopted budget to increase anticipated revenues for Special Police Services (Fund 258) in the amount of \$275,177. Amend the fiscal year 2005-06 adopted budget to increase budgeted expenditures for the Special Police Services Fund (Fund 258) in the amount of \$275,177. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH

NOES: NONE ABSENT: NONE

6.2 Acceptance of the Paul Coverdell Forensic Science Improvement Grant from the U.S. Department of Justice, Office of Justice Programs (OJP) (109-06)

**Motion was made by Mayor Pro Tem Paris,** and seconded by Council Member Fry, to:

1) Accept the OJP funds in the amount of \$76,134 awarded to the police department for equipment upgrades, training, and overtime pay for the Forensic Services Unit, and authorize the Chief of Police to complete the application process for the OJP 01/01/06– 12/31/06 funding period; and

Amend the fiscal year 2005-06 adopted budget to increase anticipated revenues for Special Police Services (Fund 258) in the amount of \$76,134. Amend the fiscal year 2005-06 adopted budget to increase budgeted expenditures for the Special Police Services Fund (Fund 258) in the amount of \$76,134. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT: NONE

6.3 First Amendment to Consulting Services Agreement with Willdan to provide temporary Planning Staff services (502-23)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to:

- 1) Authorize an appropriation of \$40,000 from the Community Development Fund 285 Undesignated Balance (Account No. 285-00285-71030) to Community Development Administration (Account No. 285-60050-43090); and
- 2) Approve the First Amendment to the Consulting Services Agreement with Willdan in an amount not to exceed \$55,000, and authorize the City Manager to execute the amendment on behalf of the City. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES: ABSENT: NONE

ABSENT: NONE

**6.4** Rose Center Building Fund Donation (103-11)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to approve the transfer from the Cable TV Fund Miscellaneous Donations (Account No. 230-11200-39049) to the Community Theater Capital Improvement Project (Account No. 400-11202-48009) in the amount of \$5,000. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

6.5 (City/Agency) Presentation of Westminster Rose Center Financial Operating Plan

RECOMMENDATION: Staff recommends that the City Council/Agency Board review the Rose Center Financial Operating Plan and direct staff to:

- 1) Create a City Council Policy to address potential operating shortfall(s) for the Rose Center operating contract and the Crystal Catering operating contract that may result from the allocation of maintenance costs; and
- Create a City/Redevelopment Agency Policy to fund the capital component costs associated with the Rose Center through the use of the Infrastructure Revitalization Plan (IRP).

Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Marsh, to defer the item to the meeting of October 26, 2005.

Council Member Marsh asked the Finance Director to supply him with a copy of the Randolph Opinion Letter, which was referenced as an attachment but was not attached to the staff report.

The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

# 6.6 Request for Proposals (RFP) for medical transportation services for the City (deferred from the August 24, 2005 meeting) (502-01)

Darrell Nolta, resident of Westminster, asked what was the purpose of the \$363,000 to AMR. The Finance Director noted that AMR was a private company and not part of the County of Orange. Council Member Marsh explained that it is to make it so that there is someone who provides ambulance service so the County does not have to provide it; and he said the reason the rate is low is because the City provided a renewal option.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to waive the formal bid procedure and authorize a purchase order with AMR for medical transportation services in an amount not to exceed \$363,000 for the fiscal year 2005-06. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

# 6.7 Select date and time for a study session for discussion of potential budget cuts for Fiscal Year 2005-06

Council Member Marsh stated he was interested in seeing spending cuts rather than budget cuts.

It was the consensus of the Council to schedule October 19, 2005 at 6:30 p.m. for a study session to discuss potential budget spending cuts for Fiscal Year 2005-06 and a step pay system for Administrative/Management/Confidential employees.

6.8 Select date and time for a Moran Corridor Workshop to solicit input regarding future uses and zoning

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to schedule the meeting for the Study Session on March 13, 2006. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

6.9 (City/Agency) Consideration of alternative date(s) for the regular meetings of November 23, 2005 (the day before Thanksgiving) and December 28, 2005 (City Hall furlough closure)

Motion was made by Council/Agency Member Marsh, and seconded by Mayor/Agency Chair Rice, to cancel both the November 23, 2005 and the December 28, 2005 regular meetings. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

## 7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building (702-06)

Council Member Marsh asked staff what the amount of the fee is that Council is being asked to waive and whether or not they are going to provide insurance and show the City as insured also.

The Interim Director of Community Services stated that the organization will purchase their own insurance.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the request from the Vietnamese American Pharmacy Student Association (VAPSA) for waiver of fees for the use of the Community Services Building (East/West Rooms) on Saturday, November 19, 2005 and Sunday, November 20, 2005 between the hours of 9:00 a.m. and 5:00 p.m. for their 3<sup>rd</sup> Annual Immunization Drive and Health Fair.

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

7.2 Waiver of Rental Fees/Community Services Building (702-06)

Council Member Marsh inquired about the amount of the fee that is being waived, why it is less than the last agenda item. The Community Services Director said it was less due to the fact that the Rose Center Foundation is a non-profit group.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the request from The Rose Center Foundation for waiver of fees for the use of the Community Services Building (West Room) on Tuesday, November 29, 2005 between the hours of 6:00 p.m. to 9:00 p.m. for their annual meeting. The motion was carried by the following vote:

AYES:

RICE, PARIS, FRY, MARSH, QUACH

NOES:

NONE

ABSENT:

NONE

- 8. LEGISLATIVE ITEMS None
- 9. COMMISSION AND COMMITTEE ITEMS None
- 10. COUNCIL/AGENCY ADJOURNMENT: At 11:35 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Lester Elmore, to Wednesday, October 19, 2005 at 6:30 p.m. in the Council Chambers for the purpose of discussing City/Agency business.

Janet Mayfield, Assistant City Clerk/

**Acting Agency Secretary**